

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jaimie Vernon	Team: Squad #4	CCRB Case #: 201410080	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 09/27/2014 8:15 PM	Location of Incident: Inside § 87(2)(b)	Precinct: 44	18 Mo. SOL 3/27/2016	EO SOL 3/27/2016	
Date/Time CV Reported Sat, 09/27/2014 9:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/01/2014 2:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Eula Harris	09247	950563	044 PCT
2. POF Tashida Wilson	17067	945105	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Tashida Wilson	Force: Tashida Wilson used physical force against § 87(2)(b)	§ 87(2)(b)
B.POF Eula Harris	Force: PO Eula Harris struck § 87(2)(b) with a nightstick.	§ 87(2)(b)

Case Summary

The CCRB received the complaint of § 87(2)(b) from the IAB on October 1, 2014 (IAB Referral no. 14-32466, Encl. 3A-B). § 87(2)(b) who did not witness the incident, complained that her son, § 87(2)(b) had been arrested and assaulted by two police officers. On December 26, 2014, § 87(2)(b) provided an in-person statement, alleging the following (Encl. 5B-C):

On September 27, 2014, around 8:15PM, § 87(2)(b) was walking in a hallway of his apartment complex at § 87(2)(b) in the Bronx. He had just thrown a piece of trash in the wall incinerator when PO Eula Harris approached him and asked him if he had just thrown out a marijuana cigarette. He denied it, and PO Harris forced him against a wall. PO Tashida Wilson, PO Harris's partner, then approached and, as § 87(2)(b) was about ask what was going on, punched him once in the face (**Allegation A**). She then kicked him to the ground and, once on the ground, pressed her knee against his back. § 87(2)(b) moved into a fetal position, and PO Wilson kicked him 3-5 times in the face (**subsumed within Allegation A**). Around this time, PO Harris struck his knee with a nightstick (**Allegation B**). While on the ground, § 87(2)(b) cried out for his sister, Aleisha § 87(2)(b) who arrived as PO Wilson kicked him in the face. § 87(2)(b) repeatedly told § 87(2)(b) to stop resisting the officers' attempts to cuff him.

§ 87(2)(b) did so, allowing the officers to handcuff him, put him in their patrol car, and take him to the 44th Precinct stationhouse. § 87(2)(b) requested medical treatment and he was taken to § 87(2)(b) by another officer. He was later taken back to the stationhouse, where he was charged with § 87(2)(b) § 87(2)(b)'s arrest report, Encl. 6H-J).

Mediation, Civil and Criminal Histories

Because § 87(2)(b) was arrested and claimed to be injured as a result of that arrest, his complaint is unsuitable for mediation. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

He has filed no notice of claim regarding this incident (Encl. 7D).

Civilian and Officer CCRB Histories

This is § 87(2)(b)'s only CCRB complaint (Encl. 2A).

PO Harris has been a member of the service for 3 years, and has no substantiated complaints (Encl. 1A). PO Wilson has been a member of the service for seven years, and likewise has no substantiated complaints (Encl. 1B-C). § 87(2)(g)

Potential Issues

In his in-person statement, § 87(2)(b) claimed that his sister, § 87(2)(b) witnessed part of the incident. However, § 87(2)(b) has not responded to the CCRB's exhaustive attempts at contact (Investigative Actions, Encl. 9A-J).

Findings and Recommendations

Allegation Not Pleaded

§ 87(2)(g)

Allegation A – Force: PO Tashida Wilson used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after he denied having any marijuana on him, PO Harris forced him against a wall. PO Wilson then approached the two and, after speaking with PO Harris, punched § 87(2)(b) once in the face without provocation. PO Wilson then kicked him to the ground and, after he landed in a fetal position, pressed her knee against his back. § 87(2)(b) lay flat on his stomach. As he lay on the ground, PO Wilson kicked him 3-5 times in the side of his face. After this, the officers placed him in handcuffs. § 87(2)(b)'s statement, Encl. 5B-C).

PO Wilson admitted to punching § 87(2)(b) twice in the stomach as § 87(2)(b) resisted both officers' attempts to pull his arms behind his back, keeping his hands close to his stomach. PO Wilson denied punching him in the face or kicking him at any point to overcome his resistance. She denied forcing him to the ground, stating that § 87(2)(b) was fighting PO Harris and had grabbed onto her firmly. PO Wilson, attempting to release PO Harris from his grip, grabbed onto him, and the three became entangled. In the struggle, the three hit a wall and then the ground, with PO Wilson first (PO Wilson's statement, Encl. 6N-O). PO Harris did not recall specifically what actions PO Wilson took in the struggle (PO Harris' statement, Encl. 6D).

§ 87(2)(g)

After § 87(2)(b) was arrested on September 27, he was taken to § 87(2)(b). He complained of pain in his right cheek and left temple as a result of an assault, claiming that he had been punched in the head three times. The physical assessment found no visible marks or injuries to his face. § 87(2)(b) left the hospital without being diagnosed or admitted, telling medical personnel that he did not want medical treatment and would come back at a later time.

The next day, after he was released from custody, § 87(2)(b) went to the § 87(2)(b) where he was admitted. He claimed that police officers punched and kicked him repeatedly in the face, as well as hit him in the stomach, back, and knee. The physician noted redness on § 87(2)(b)'s forehead and cheek. § 87(2)(b) was only prescribed Ibuprofen for his pain and soreness.

§ 87(2)(b) s arrest photograph showed no visible injuries to the face (Encl. 7A).

§ 87(2)(g)
[REDACTED]

Allegation B – Force: PO Eula Harris hit § 87(2)(b) with a nightstick.

§ 87(2)(b) alleged that PO Harris struck him with a nightstick before he was handcuffed § 87(2)(b) s statement, Encl. 5B-C). PO Harris denied doing so, stating that she did not carry a nightstick or any instrument on her during the incident. She denied using any instruments on § 87(2)(b) and stated that the only instance of force she performed was to pull his arms behind his back in order to cuff him (PO Harris’ statement, Encl. 6D). PO Wilson denied that either she or PO Harris used any instruments on § 87(2)(b) during the arrest (PO Wilson’s statement, Encl. 6N-O).

According to the medical records, there was no soreness or pain in § 87(2)(b) s knee, although he complained to personnel at § 87(2)(b) that he had been hit in the knee by a police officer. Neither physical assessment diagnosed any muscle or joint pain, and § 87(2)(b) was able to walk out of both hospitals without difficulty. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date